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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,541	12/17/1999	DAN EHRLING	18212-0011	1304
21839	7590	02/12/2004	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P			POND, ROBERT M	
POST OFFICE BOX 1404			ART UNIT	
ALEXANDRIA, VA 22313-1404			PAPER NUMBER	

3625

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/466,541

Applicant(s)

EHRING ET AL.

Examiner

Robert M. Pond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The Applicant filed a Request for Continued Examination under 37 CFR 1.114 and requested examination of the response filed 31 March 2003. All claims pending (1-25) were examined in this non-final Office Action.

Response to Arguments

Applicant's arguments, see Remarks, pages 16-20, filed 31 March 2003, with respect to the rejection(s) of claim(s) 1-25 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Biffar (patent number 6,397,212), and Srinivasan et al. Biffar discloses a system that features a network application designed to adaptively render to users of the network application a plurality of content pages generated from among a plurality of content. Srinivasan et al. teach object oriented programming.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by

the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-7, 11-15, 19 and 23-24 are rejected under 35 USC 102(e) as being anticipated by Biffar (patent number 6,397,212).

Biffar teaches all the limitations of Claims 1-7, 11-15, 19 and 23-24. For example, Biffar discloses a system that features a network application designed to adaptively render to users of the network application a plurality of content pages generated from among a plurality of content (see at least abstract; col. 3, lines 20-46). Biffar further discloses:

- Databases

A database or plurality of databases (e.g. user profiles, search histories, group profiles) (see at least Fig. 1 (3000); col. 4, lines 22-24; col. 8, lines 26-41; col. 9, lines 16-19; col. 10, lines 50-61).

A database containing a plurality of items containing information, each item itself comprising other information (see at least Fig. 1 (1000); col. 4, lines 18-21; col. 4, line 26 through col. 5, line 28).

- One or more application rules for directing the system

A logic module that dynamically generates and/or creates items based on rules contained in the logic module; is adaptive such that search results improve over time; and is self-personalizing (see at least Fig. 1 (2000); col. 5, lines 19-57; col. 7, lines 7-18; 47-61).

- An engine

A search engine and search engine logic module that interprets the application's rules dynamically and delivers content over the network to users (see at least Fig. 1 (2000, 4000); col. 7, lines 47-61; col. 8, line 10 through col. 10, line 49).

- Determines a potential sequence of interconnected content page, calculates and recalculates variables.

Presents linked facts (knowledge) in a sequence as demonstrated by Figs 6a-b, 7a-n, and 8-10. Calculates and recalculates based on variables (see at least Fig. 3; Fig. 6a-b; Fig. 7a (4100, 4210); Figs. 7b-n, 8-10; col. 3, lines 21-25; col. 5, lines 36-40, 58-61; col. 11, line 3 through col. 14, line 27).

- HTML

Use of Extensible Markup Language (XML), XML as an extension to HTML, and (see at least col. 4, line 20; col. 11, lines 3-12).

- Data objects

Items of information composed of other items of information, data describing and item, item information composed of discrete elements (e.g. video, text, audio), sub-items, and tagging items in real-time (see at least col. 4, line 20; col. 11, lines 3-12; col. 5, lines 49-57) (please note that Biffar is describing data objects (items), primitive objects (e.g. sub-items)). Inherent in the XML standard are data object structures (a courtesy copy

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of "Content Management Breaks Down Your Docs," by Liz Levy is provided for the Applicant's convenience. Levy, PTO-892, Item: U, describes XML).

- Application state data

Application state data is inherent in the system and method of Biffar.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 8-10, 16-18, and 25 are rejected under 35 USC 103(a) as being unpatentable over Biffar (patent number 6,397,212), in view of Srinivasan et al. (PTO-892, Item: V).**

Biffar teaches all the above as noted under the 102(e) rejection and teaches data objects processing, but do not specifically disclose stacks. Srinivasan et al. teach object-oriented applications and use of dynamic stacks (Item: V, see at least page 8). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to disclose object processing using dynamic stacks as taught by Srinivasan et al., in order to more fully describe data object processing.

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- 3. Claims 20-22 are rejected under 35 USC 103(a) as being unpatentable over Biffar (patent number 6,397,212) and Srinivasan et al. (PTO-892, Item: V), as applied to Claims 1, 9, and 12.**

Biffar and Srinivasan et al teach all the above as noted under the 102(e) rejection and teach displaying information to users in a consistent format (e.g. search page, results pages, spread sheet pages). It would have been obvious to one of ordinary skill in the art at time of the invention to use templates since it is well within the skill to ascertain that templates are used by web designers to create consistent display formats.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Levy, Liz; "Content Management Breaks Down Your Docs," Imaging and Document Solutions, December 1998; teaches XML.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Vincent Millin** can be reached on 703-308-1065.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306 (Official communications; including After Final communications labeled "Box AF")

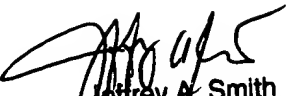
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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RMP
February 9, 2004


Jeffrey A. Smith
Primary Examiner